

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
BIG STONE GAP DIVISION**

For the reasons set forth in the Opinion accompanying this Final Order, it is  
**ORDERED** that the Motion to Dismiss is GRANTED, the defendant's Motion to  
Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C.A. § 2255 is  
DENIED, and the § 2255 proceeding is stricken from the active docket of the  
court.

Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is DENIED.

ENTER: June 29, 2012

/s/ James P. Jones  
United States District Judge